

**Appln No. 10/618,033**  
**Amdt date January 18, 2011**  
**Reply to Office action of September 16, 2010**

**REMARKS/ARGUMENTS**

In the Final rejection dated September 16, 2010, the Examiner maintained the rejection of claims 3, 4, 7, 14-17, 19 and 23-26 under 35 U.S.C. §102(b) as allegedly anticipated by Bonutti (U.S. Patent No. 5,888,196). Applicant maintains that Bonutti fails to disclose generally rigid tube segments, each tube segment *extending distally from a segment of the segmented surface*, and fails to disclose that when the segments of the segmented surface are in the open configuration, the generally rigid *tube segments* are separate from each other. However, in an effort to expedite allowance of this application, Applicant has amended independent claims 25 and 26 to recite that when the segments of the segmented surface are in the open configuration, the generally rigid tube segments have free distal ends that are separate from each other. This amendment is fully supported in the original specification, claims and drawings, at least at Figures 4 and 5. Bonutti fails to teach or suggest these features. Accordingly, independent claims 25 and 26, and all claims dependent therefrom, including claims 3, 4, 7, 14-17, 19, 23 and 24, are allowable over Bonutti.

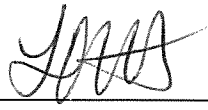
The Examiner also rejected claims 9-12 under 35 U.S.C. §103(a) as allegedly obvious over Bonutti. However, each of claims 9-12 depends from independent claim 25, which is allowable over Bonutti, as discussed above. Accordingly, dependent claims 9-12 are also allowable over Bonutti for at least the reasons discussed above.

Claims 3, 4, 7, 9-17, 19 and 23-26 remain pending in this application. By this amendment, Applicant has amended claims 25 and 26 to place the claims in condition for allowance. The amendments find full support in the original specification, claims and drawings, and no new matter is presented. In view of the above amendments and remarks, Applicant submits that all of pending claims 3, 4, 7, 9-17, 19 and 23-26 are in condition for allowance. Applicant therefore respectfully requests reconsideration and a timely indication of allowance.

**Appln No. 10/618,033**  
**Amdt date January 18, 2011**  
**Reply to Office action of September 16, 2010**

However, if there are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact Applicant's counsel at the number indicated below.

Respectfully submitted,  
CHRISTIE PARKER & HALE, LLP

By   
\_\_\_\_\_  
Lauren E. Schneider  
Reg. No. 63,712  
626/795-9900

LES/les

LES PAS939301.1-\*01/18/11 1:12 PM